



The Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

Matter of: Westec Air, Inc.

File: B-230724.4

Date: August 1, 1988

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### DIGEST

A bid to provide a helicopter for fighting fires and other services is responsive where the bid does not qualify or limit the offeror's obligation to supply a helicopter that is below the maximum weight limitation certified by the Federal Aviation Administration.

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### DECISION

Westec Air, Inc., protests the award of a contract to CRI Helicopters by the United States Forest Service pursuant to invitation for bids (IFB) No. R5-88-19. The invitation requested bids to provide helicopters, fully operated by qualified personnel and equipped as specified, to be used in the administration and protection of public lands. The helicopters primarily would be used for fighting fires, though law enforcement missions and other administrative flights also would be required. The IFB contained 11 line items representing the various bases at which helicopter services were to be provided, and a separate award was to be made for each line item. Westec contends that CRI's bid was nonresponsive to the IFB requirements for line item 11, because the helicopter offered by CRI (Bell model No. 206L-1) exceeds the maximum weight limitation approved by the Federal Aviation Administration (FAA).

We deny the protest.

The IFB required that helicopters be certified by the FAA. Westec states that the Bell 206L-1 helicopter is not approved by the FAA to hover at a gross weight of more than 4,150 pounds. Westec contends that when the Bell 206L-1 helicopter comes off the assembly line at its place of manufacture it weighs 2,203 pounds. Westec calculates that when fuel, a pilot, certain IFB-specified equipment, and an IFB-required nonjettisonable payload of 1,200 pounds are

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added to the 206L-1's standard configuration, the helicopter exceeds the FAA's 4,150-pound maximum weight limit by 102 pounds. Westec concludes that the helicopter offered by CRI did not meet the maximum weight limit certified by the FAA, and the CRI bid was, therefore, nonresponsive.

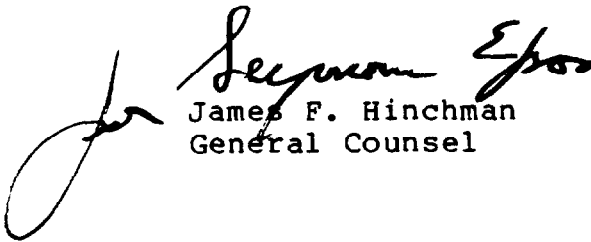
The Forest Service argues that CRI's bid was responsive because it took no exception to any of the IFB's requirements. Further, the Forest Service disputes the calculations made by Westec and points out that the standard weight of a Bell 206L-1 helicopter made in 1981 or earlier is only 2,160 pounds, not 2,203 pounds as Westec states. The Forest Service also states that IFB-required equipment could weigh as little as 138 pounds, rather than 193 pounds used by Westec in its calculations. The Forest Service argues that there are a number of ways in which a 206L-1 helicopter can be modified by its owner in order to make it lighter; for example, ballast can be removed and replaced with accessory equipment, or carpeting and insulation can be removed. In fact, the Forest Service reports that the 206L-1 helicopter used for this contract last year weighed only 2,245 pounds fully equipped, or 151 pounds less than Westec has calculated.

There is no legal merit to the protest. To be responsive, a bid must represent an unequivocal offer to provide the exact thing called for in the IFB such that acceptance of the bid will bind the contractor in accordance with the solicitation's material terms and conditions. Spectrum Communications, B-220805, Jan. 15, 1986, 86-1 CPD ¶ 49. The IFB did not require offerors to specify the exact helicopter that would be provided or to state what modifications, if any, might be made to the helicopter offered. CRI's bid properly stated only the type of helicopter it was offering; CRI did not limit or modify the bid in any way. Therefore, CRI's bid was responsive. See Hicklin GM Power Co., B-222538, Aug. 5, 1986, 86-2 CPD ¶ 153.

To the extent Westec thinks that, irrespective of the bid's responsiveness, the Forest Service should have rejected the bid because the agency should have known CRI's offered helicopter was 102 pounds too heavy, the contracting officer, in our view, reasonably determined that a model 206L-1 helicopter could be light enough to meet the FAA's maximum weight limitation. The 206L-1 manufacturer's data shows that the standard configuration for this helicopter could weigh approximately 43 pounds less than Westec stated; the parties to this protest agree that fluctuations of up to 10 pounds in manufactured weight are not unusual; and the Forest Service reports that the weight of individual articles of required equipment each could vary considerably

depending on what make, brand or components an offeror used in his helicopter, which could amount to a reduction of 55 pounds from Westec's estimate of the equipment weight. Moreover, the Forest Service reports that last year's helicopter was a 206L-1 model that weighed 151 pounds less than Westec calculated the weight of a fully equipped helicopter to be. Finally, we note that on June 9, 1988, the Forest Service had an independent aircraft mechanic weigh the helicopter actually provided by CRI for this contract, and the mechanic determined that the aircraft was below the FAA maximum weight limit.

The protest is denied.



James F. Hinchman  
General Counsel